

**REMARKS**

Upon entry of the Amendment, Claims 1-10 and 16-17 will be pending in the application. The subject matter of Claim 15 has been incorporated into claim 1, and Claims 13-15 are canceled. New Claim 17 is added based on support in the specification from Examples 7-9. No new matter is added.

Entry of the Amendment along with reconsideration and review of the claims on the merits are respectfully requested.

***Claim Rejections Under 35 U.S.C. § 103***

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over WO 99/47573 either individually, or in view of admitted prior art, for the reasons given in the Office Action.

Claims 13-15 are rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over WO 99/47573 either individually, or in view of Nakae et al., for the reasons given in the Office Action.

Claim 16 is rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over WO 99/47573 either individually, or in view of Applicants' asserted page 4 admission, each taken in view of Applicants' asserted page 2 admission, for the reasons given in the Office Action.

Applicants respond as follows.

Applicants have amended Claim 1 to incorporate the subject matter of Claims 13, 14 and 15. Claims 13, 14 and 15 are now canceled.

Newly amended Claim 1 now includes the recitation that the expanded material contains a flame retardant comprising a hydrated metal compound which is a composite metal hydroxide represented by formula (1):



wherein M and Q represent different metal elements and Q is a metal element belonging to a group selected from Groups IVa, Va, VIa, VIIa, VIII, Ib, and IIb of the periodic table; and m, n, a, b, c, d, and e may be the same or different and each is a positive number.

Applicants submit that WO '573 does not disclose or suggest the use of a flame retardant or the use of an expanded material as a soundproofing material as presently recited. Furthermore, WO '573 does not contain any disclosure to teach or suggest that use of a specific composite metal hydroxide according to the present invention improves flame retardancy without deterioration of fine foamability, soundproofing properties and flexibility.

On the other hand, Nakae discloses use of a hydrated metal compound having a structure of  $M_mO_n \cdot xH_2O$ , which can be used in an expanded material. However, there is no disclosure in Nakae of a foaming method.

The expanded material disclosed in Nakae's one example is one formed by a chemical foaming agent. However, the average cell diameter, the compressive load at 50% compression, and similar properties of the expanded material are not evaluated. Further, Nakae does not refer to using the presently claimed method for forming an expanded material, and does not disclose the relationship between flame retardant and soundproofing ability or mechanical characteristics. In particular, Nakae discloses at column 3, lines 3-11 that a hydrated metal compound is added to a polymer blend comprising a particular type of polypropylene and a particular type of ethylene-

**AMENDMENT UNDER 37 C.F.R. §1.111**

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based copolymer in specific proportion, thereby maintaining a synergistically high flame retardancy and extensibility. Applicants respectfully submit that there is no motivation to combine Nakae with WO '573 when WO '573 discloses a composition different from the composition of Nakae. Therefore, Applicants submit that the combination of Nakae with WO '573 is improper.

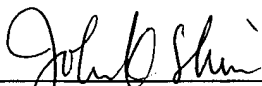
Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a).

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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